
Z-2478
SUSAN PRYOR HODGES
R1 to A

ADDENDUM TO THE STAFF REPORT
January 12, 2012

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With commitment

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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner who is part owner and with consent from Kurt Hodges the other owner, is requesting rezoning of 3.526 acres of a larger tract (a portion of the property is in the Flood Plain which cannot be rezoned) for an existing horse riding stable and single family home. The property is located at the end of Ridgefield Court, off of CR 400 W, accessed through Moss Creek Subdivision, more specifically 4088 Ridgefield Court, Wabash 9 (NE) 23-5.

STAFF COMMENTS:

At the December Area Plan Commission meeting this case was continued to the January meeting so the petitioner could explore the possibility of making a commitment along with the rezone in response to concerns from neighbors in Moss Creek Subdivision.

Petitioner has submitted a commitment that will be added to the rezone petition to place additional restrictions regarding permitted uses in the Agricultural zone on the property. The following list of restrictions highlights some of the uses that have been banned in the commitment:

1. No agricultural production crops, excluding hay;
2. No hogs or swine shall be kept or boarded on the real estate;
3. No sheep shall be kept or boarded on the real estate;
4. No cows, steer or bulls shall be kept or boarded on the real estate;
5. No roosters shall be kept or boarded on the real estate; provided however, that chickens (other than roosters) and /or ducks may be kept on the real estate in a total not to exceed 24 in number; and
6. No livestock or animal specialties other than household pets, rabbits, fish in captivity, horses, and companion animals for horses shall be kept or boarded on the real estate.

This commitment does not prohibit the ability of the property owner to keep horses or to receive a special exception for a riding stable.

Staff has discussed the commitment with the County Building Commissioner and he has stated that he feels that this particular commitment would be enforceable by his office. He did mention that he has concerns regarding the process and tracking the enforcement of commitments generally.

Though staff commends petitioner for addressing most of the neighbors' concerns that were raised at the previous APC meeting, staff's biggest concern remains access to the site. All traffic to and from the site must still go through Moss Creek Subdivision. Granting the rezone will put the petitioner (or potential future owner) one step closer to receiving a special exception that could increase traffic beyond what is appropriate and compatible for a residential subdivision.

Petitioner did not adequately address all of staff's concerns for this site. Staff feels that because the site is served by sewer and because sole access is gained through a residential subdivision, the most appropriate zone continues to be R1.

STAFF RECOMMENDATION:

Denial